

UNITED STATES DISTRICT COURT

for the
Eastern District of California

FILED
Mar 07, 2025
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SEALED

United States of America
v.

ISIDRO ROBERTO ROJAS-GUZMAN

Case No. 2:25-mj-0048 CKD

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 23, 2024 in the county of Sacramento in the
Eastern District of California, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. §§ 1326(a) and b(1)

Deported Alien Found in the United States

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT of DHS/ ICE/ERO Deportation Officer James Buchanan

☒ Continued on the attached sheet.

/s/

Complainant's signature

James Buchanan, DHS/ICE/ERO Deportation Officer
Printed name and title

Sworn to me and signed via telephone.

Date: March 7, 2025 at 2:48 pm

Carolyn K. Delaney
Judge's signature

City and state: Sacramento, California

Carolyn K. Delaney, U.S. Magistrate Judge
Printed name and title

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 #8081
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Printed name and title

Sworn to me and signed via telephone.

Date: 3/7/2025 @ 2:48 PM



Judge's signature

City and state: Sacramento, California

Carolyn K. Delaney, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, James Buchanan, being duly sworn, hereby depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Deportation Officer (DO) with the United States Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), and have been employed by that agency since June 05, 2011. Initially on June 05, 2011, I was by hired by DHS/ICE/ERO as an Immigration and Enforcement Agent (IEA), and then on September 20, 2015, I was promoted to DO. I have been assigned to the Sacramento, CA sub-office of the San Francisco, CA Field Office since June 05, 2011. On April 25, 2022, I was also sworn in by the US Marshals Service of Eastern District of California as a Task Force Officer for the Pacific Southwest Regional Fugitive Task Force.

2. I am currently assigned to the ERO's Criminal Prosecutions Unit at the Sacramento, CA sub-office. In that capacity, I am responsible for identifying, locating, and arresting individuals who violate the immigration laws of the United States, including those contained in Title 8 and 18 of the United States Code. I have received thousands of hours of training in law enforcement techniques, immigration law, investigative strategies, and other topics. Over the course of my career, I have participated in hundreds of criminal investigations involving suspected violations of, *inter alia*, 8 U.S.C. § 1326.

3. Due to my training and experience, I am familiar with the locations, categories, and types of documentation that DHS maintains in paper and digital records regarding aliens who interact with the immigration and criminal justice systems. Over the course of my career, I have searched the Department's various repositories of information regarding aliens hundreds—if not thousands—of times.

4. I make this affidavit in support of a criminal complaint and arrest warrant for Isidro Roberto ROJAS-GUZMAN, who I believe to be a previously deported/removed alien found in the United States, in violation of 8 U.S.C. § 1326.

5. The facts and information in this affidavit are based on my personal knowledge and observation, my training and experience, information I learned from other law enforcement officers and

witnesses, and review of various documents and records.

II. STATUTORY BACKGROUND AND AUTHORITY

6. Pursuant to 8 U.S.C. § 1326, it is a crime for an alien who has previously been deported or removed from the United States to enter, attempt to enter, or be found in the United States unless the Attorney General or the Secretary of Homeland Security has expressly consented to such alien's reapplication for admission to the United States.

7. The elements of an offense under 8 U.S.C. § 1326 are as follows:

- a) The alien was deported from the United States;
- b) Thereafter, the alien voluntarily reentered the United States;
- c) After reentering the United States, the defendant knew that he was in the United States and knowingly remained;
- d) The defendant was found in the United States without having obtained the consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States;
- e) The defendant was an alien at the time of his entry into the United States; and
- f) The defendant was free from official restraint at the time he was found in the United States.

8. DHS assigns each alien a unique identification number known as an alien registration number, or "A-number." The Department also maintains an official record of information regarding each alien who interacts with the United States' immigration or law enforcement systems. These records are known as alien files, or "A-files," and are uniquely associated with each individual alien by reference to the alien's A-number. The A-file for a given alien generally contains all the individual's official record material such as naturalization certificates; various forms (and attachments, such as photographs), applications and petitions for benefits under the immigration and nationality laws, reports of investigations; statements; reports; correspondence; and memoranda on each individual for whom immigration authorities have created a record.

9. ROJAS-GUZMAN's entire A-file is currently at the ERO Sacramento, CA sub-office. ROJAS-GUZMAN's A-file was requested through official channels, and I reviewed ROJAS-

GUZMAN's immigration and criminal history contained in the A-file.

10. DHS also maintains computerized records regarding aliens who interact with the United States' immigration or law enforcement systems. Like A-files, these digitized records are unique to each alien and associated with each alien's A-number. These digital records can contain much of the same information as an A-file, and the digital records can memorialize an alien's interactions with the United States' immigration system in more granular detail than an A-file. I have also reviewed ROJAS-GUZMAN's immigration and criminal history contained in the computerized records.

III. FACTS ESTABLISHING PROBABLE CAUSE

11. ROJAS-GUZMAN is a previously deported/removed alien found in the United States without the express consent of the Attorney General or the Secretary of Homeland Security. He has been assigned the following A-number: A091 457 668.

12. On March 03, 2025, I reviewed the A-file and digital records maintained by DHS relating to ROJAS-GUZMAN's immigration and criminal history.

13. I reviewed ROJAS-GUZMAN's birth certificate from Oaxaca, Mexico with English translation that establishes alienage.

14. I reviewed an Immigration Judge's (IJ) Final Order of Removal from the Executive Office for Immigration Review (EOIR) in Eloy, AZ issued on November 08, 1995.

15. I reviewed an executed document showing ROJAS-GUZMAN's last removal from the United States titled "Notice to Alien Ordered Removed/Departure Verification" on DHS Form I-296. This I-296 indicates that ROJAS-GUZMAN was removed from the United States on February 05, 2019, pursuant to § 235(b)(1) of the Immigration and Nationality Act, by US Customs and Border Protection (CBP) San Ysidro, CA. This I-296 contains ROJAS-GUZMAN's photograph, fingerprint, and signature. It also contains the signature of the immigration officer who witnessed ROJAS-GUZMAN's departure from the United States via the San Ysidro, CA Port of Entry (POE) on February 05, 2019.

16. In March of 2011, ROJAS-GUZMAN was convicted in El Dorado County, CA of violating California Health and Safety Code Section 11352(a) – Transport/Sell Narcotic/Controlled Substance, to wit: cocaine, for which he received a 4-year sentence. He was deported following his sentence in December of 2012.

17. On May 23, 2024, Federal Bureau of Investigation (FBI) Sacramento, CA, South Lake Tahoe Division with investigators from South Lake Tahoe Police Department (SLTPD), FBI Las Vegas, NV, Reno Division, and the Douglas County Sheriff's Office (DCSO) conducted a controlled purchase of approximately 20.3 grams of cocaine at Rojo's Tavern, 3091 Harrison Ave, South Lake Tahoe, CA 96150. The cocaine tested positive and had been purchased from ROJAS-GUZMAN.

18. My review uncovered no record indicating that ROJAS-GUZMAN ever applied to the Attorney General or the Secretary of Homeland Security for permission to re-enter the United States.

19. My review uncovered no record indicating that ROJAS-GUZMAN was under constant, continuous observation from the time he crossed the border until the time of his apprehension.

IV. CONCLUSION AND REQUEST

20. On the basis of the above information, I submit that there is probable cause to believe that ROJAS-GUZMAN is a previously deported/removed alien found in the United States, in violation of 8 U.S.C. § 1326.

21. I therefore request that a criminal complaint and accompanying arrest warrant be issued for ROJAS-GUZMAN for this violation of federal criminal law.

V. SEALING REQUEST

22. I further request that the Court seal the warrant and this affidavit and the application in support thereof, except that copies of the warrant in full or redacted form may be maintained by the United States Attorney's Office and may be served on investigative and law enforcement officers of the Department of Homeland Security, federally deputized state and local law enforcement officers, and other government and contract personnel acting under the supervision of such investigative or law enforcement officers, as necessary to effectuate the warrant.

23. These documents pertain to and discuss an ongoing criminal investigation that is neither public nor known to all the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize the investigation. Sealing these documents will also better ensure the safety of agents and others charged with executing the warrants.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

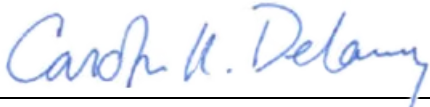
Respectfully submitted,

/s/

DEPORTATION OFFICER
JAMES BUCHANAN

Subscribed and sworn to before me telephonically
on:

March 7, 2025



The Honorable Carolyn K. Delaney
UNITED STATES MAGISTRATE JUDGE

/s/ NICOLE VANEK

Approved as to form by AUSA NICOLE VANEK

Respectfully submitted,

 #8881

DEPORTATION OFFICER
JAMES BUCHANAN

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15/

The Honorable Carolyn K. Delaney
UNITED STATES MAGISTRATE JUDGE

/s/ NICOLE VANEK

Approved as to form by AUSA NICOLE VANEK

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Penalties for Complaint

VIOLATION:	8 U.S.C. §§ 1326(a) and (b)(1) – Deported Alien Found in the United States
PENALTIES:	Not more than ten (10) years in prison, Not more than \$250,000 fine, or both; Not more than three (3) year term supervised release
SPECIAL ASSESSMENT:	\$100 (felony)